



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/879,682	06/11/2001	Limor Schweitzer	AMDCP005	5002
28875	7590	02/23/2009		
Zilka-Kotab, PC P.O. BOX 721120 SAN JOSE, CA 95172-1120			EXAMINER APPLE, KIRSTEN SACHWITZ	
			ART UNIT 3694	PAPER NUMBER
			MAIL DATE 02/23/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

---

*Ex parte* LIMOR SCHWEITZER

---

Application 09/879682  
Technology Center 3600

---

Mailed: February 23, 2009

---

Before KRISTA ZELE *Deputy Chief Appeals Administrator*.  
ZELE, *Deputy Chief Appeals Administrator*.

ORDER RETURNING UNDOCKETED APPEAL

This application was electronically received by the Board of Patent Appeals and Interferences on September 30, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

**EXAMINER'S ANSWER, EVIDENCE RELIED UPON**

Section §1207.02 of the *Manual of Patent Examining Procedure*

(MPEP) (Eighth Edition, Rev. 6, September 2007) states:

(A) CONTENT REQUIREMENTS FOR EXAMINER'S ANSWER. The examiner's answer is required to include, under appropriate headings, in the order indicated, the following items:

. . . .

(8) Evidence Relied Upon. A listing of the evidence relied on (e.g., patents, publications, admitted prior art), and in the case of nonpatent references, the relevant page or pages.

The Examiner's Answer mailed May 09, 2008 is deficient because the "Evidence Relied Upon" section fails to include the reference(s) FOLADARE and HOLM-BLAGG cited on page(s) 6-7 in the Examiner's Answer's grounds of rejection under 35 USC § 103(a).

Appropriate correction is required.

Accordingly, it is **ORDERED** that the application is returned to the Examiner:

1) to issue a PTO-90 citing the missing references listed under the Evidence Relied Upon section, paragraph (8); and

2) such further action as may be required.

Application No. 09/879,682

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797

KZ/jgr

Zilka-Kotab, PC  
P.O. BOX 721120  
SAN JOSE CA 95172-1120